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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,712	11/08/2001	Richard A. Morris	020431.1081	4170
38441	7590	07/14/2005	EXAMINER	
LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			BELL, MELTIN	
		ART UNIT		PAPER NUMBER
				2129

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/035,712	MORRIS ET AL.
	Examiner	Art Unit
	Meltin Bell	2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 November 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

This action is responsive to application **10/035,712** filed **11/8/01** as well as the Specification Changes and Amendment After Non-Final Rejection filed 5/4/05. Claims 1-31 filed by the applicant have been entered and examined. An action on the merits of claims 1-31 appears below.

Claim Rejections - 35 USC § 103

Applicant's arguments have been fully considered, but are not persuasive. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Office presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Office to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hansen* USPN 6,128,759 "Flexible test environment for automatic test equipment" (October 3, 2000) in view of *Cessna et al* USPN 6,510,420 "Framework for dynamic hierarchical grouping and calculation based on multidimensional member characteristics" (Filed September 30, 1999) and in further view of *Weinberg et al* USPN 6,360,332 "Software system and methods for testing the functionality of a transactional server" (Filed June 21, 1999).

Regarding claim 1:

Hansen teaches a method for selecting members in a hierarchy, comprising: determining a sequence of one or more actions associated with a member selection tree, the actions collectively selecting one or more members from a hierarchy of members (Abstract, "A flexible test ... distributed tester architecture"; Figs. 3A-E; column 3, lines 33-38, "It would therefore ... the user interface"), the sequence of actions in a member selection script (column 11, lines 18-27, "The end leaf ... a similar manner"; column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, lines 1-12, "can select LOOP ... to start execution") and executing the member selection script to select one or more members after the hierarchy of members has been modified (column 14, lines 48-67, "After the trees ... newly created trees"; column 15, lines 1-6, "The production worker ... tree are executed").

However, *Hansen* doesn't explicitly teach the hierarchy of members being associated with a particular dimension of an organization of data or recording the sequence of actions in a member selection script while *Cessna et al* teaches determining (column 7, lines 3-17, "The invention effectively ... on member characteristics") a sequence (column 10, lines 34-42, "Characteristic orderings determine ... the characteristic information") of one or more actions (column 11, lines 16-30, "The implementation of ... in a hierarchy") associated with a member selection (column 4, lines 56-63, "Planning software 42 comprises ... set of members"), the actions collectively (column 9, lines 42-45, "Characteristic Data Set ... in a dimension") selecting one or more members from a hierarchy of members, the hierarchy of members being associated with a particular dimension of an organization of data (column 1, lines 33-42, "One of the ... within a hierarchy") and *Weinberg et al* teaches recording the sequence of actions in a member selection script (Abstract, "A testing tool ... other data sets"; Figs. 6A-C).

Motivation - The portions of the claimed method would have been a highly desirable feature in this art for dynamically building hierarchical groupings of business information based on member characteristics (*Cessna et al*, Abstract, "A system and ... the hierarchical levels") and editing tests without knowing a scripting or other programming language (*Weinberg et al*, Abstract, "A testing tool ... other data sets"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Hansen* as taught by *Cessna et al* and *Weinberg et al* for the purpose

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of dynamically building hierarchical groupings of business information as well as editing tests without knowing a programming language.

Regarding claim 2:

The rejection of claim 2 is the same as that for claim 1 as recited above since the stated limitations are set forth in the references.

Regarding claim 3:

The rejection of claim 3 is the same as that for claim 1 as recited above since the stated limitations are set forth in the references.

Regarding claim 4:

The rejection of claim 4 is the same as that for claim 1 as recited above since the stated limitations are set forth in the references.

Regarding claim 5:

The rejection of claim 5 is similar to that for claim 1 as recited above since the stated limitations are set forth in the references. Claim 5's limitation is taught in *Hansen*: selecting or deselecting one or more levels of the hierarchy from which members are to be selected, the members being selectable only from selected levels (column 7, lines 13-31, "The tester operator ... the minus sign 310"; column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution").

Regarding claim 6:

The rejection of claim 6 is similar to that for claim 1 as recited above since the stated limitations are set forth in the references. Claim 6's limitations are taught in *Hansen*:

one or more of the actions comprise expanding a member to view the children of the member (column 7, lines 13-31, "The tester operator ... the minus sign 310") and the selection of an expanded member causing only the selection of the expanded member (column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution").

Regarding claim 7:

The rejection of claim 7 is similar to that for claim 1 as recited above since the stated limitations are set forth in the references. Claim 7's limitations are taught in *Weinberg et al*, one or more of the actions comprise collapsing a member to hide the children of the member (Figs. 3A, 5E) and *Hansen*, the selection of an expanded member causing only the selection of the expanded member (column 7, lines 13-38, "The tester operator ... be visually expanded"; column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution").

Regarding claim 8:

The rejection of claim 8 is similar to that for claim 1 as recited above since the stated limitations are set forth in the references. Claim 8's limitation is taught in *Hansen*: one or more of the actions comprise selecting or deselecting one or more members from the hierarchy (column 7, lines 13-31, "The tester operator ... the minus sign 310"; column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution").

Regarding claim 9:

The rejection of claim 9 is similar to that for claim 1 as recited above since the stated limitations are set forth in the references. Claim 9's limitation is taught in *Weinberg et al.*: the one or more actions are recorded in the member selection script using one or more commands, the commands and one or more parameters associated with each command identifying the one or more actions (column 23, lines 4-24, "The testing tool ... a similar fashion").

Regarding claim 10:

The rejection of claim 10 is similar to that for claim 1 as recited above since the stated limitations are set forth in the references. Claim 10's limitation is taught in *Weinberg et al.*: a user manually generates the member selection script (column 14, lines 46-53, "Various options exist ... all form arguments").

Regarding claim 11:

The rejection of claim 11 is the same as that for claim 1 as recited above since the stated limitations are set forth in the references.

Regarding claim 12:

Hansen teaches a system for selecting members in a hierarchy, the system comprising one or more software components collectively operable to: determine a sequence of one or more actions associated with a member selection tree, the actions collectively selecting one or more members from a hierarchy of members (Abstract, "A flexible test ... distributed tester architecture"; Figs. 3A-E; column 3, lines 33-38, "It would therefore ... the user interface"), the sequence of actions in a member selection script (column

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11, lines 18-27, "The end leaf ... a similar manner"; column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution") and execute the member selection script to select one or more members after the hierarchy of members has been modified (column 14, lines 48-67, "After the trees ... newly created trees"; column 15, lines 1-6, "The production worker ... tree are executed").

However, *Hansen* doesn't explicitly teach the hierarchy of members being associated with a particular dimension of an organization of data or recording the sequence of actions in a member selection script while *Cessna et al* teaches determining (column 7, lines 3-17, "The invention effectively ... on member characteristics") a sequence (column 10, lines 34-42, "Characteristic orderings determine ... the characteristic information") of one or more actions (column 11, lines 16-30, "The implementation of ... in a hierarchy") associated with a member selection (column 4, lines 56-63, "Planning software 42 comprises ... set of members"), the actions collectively (column 9, lines 42-45, "Characteristic Data Set ... in a dimension") selecting one or more members from a hierarchy of members, the hierarchy of members being associated with a particular dimension of an organization of data (column 1, lines 33-42, "One of the ... within a hierarchy") and *Weinberg et al* teaches record the sequence of actions in a member selection script (Abstract, "A testing tool ... other data sets"; Figs. 6A-C).

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Motivation - The portions of the claimed system would have been a highly desirable feature in this art for dynamically building hierarchical groupings of business information based on member characteristics (*Cessna et al*, Abstract, "A system and ... the hierarchical levels") and editing tests without knowing a scripting or other programming language (*Weinberg et al*, Abstract, "A testing tool ... other data sets"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Hansen* as taught by *Cessna et al* and *Weinberg et al* for the purpose of dynamically building hierarchical groupings of business information as well as editing tests without knowing a programming language.

Regarding claim 13:

The rejection of claim 13 is the same as that for claim 12 as recited above since the stated limitations are set forth in the references.

Regarding claim 14:

The rejection of claim 14 is the same as that for claim 12 as recited above since the stated limitations are set forth in the references.

Regarding claim 15:

The rejection of claim 15 is the same as that for claim 12 as recited above since the stated limitations are set forth in the references.

Regarding claim 16:

The rejection of claim 16 is similar to that for claim 12 as recited above since the stated limitations are set forth in the references. Claim 16's limitation is taught in *Hansen*: selecting or deselecting one or more levels of the hierarchy from which members are to

be selected, the members being selectable only from selected levels (column 7, lines 13-31, "The tester operator ... the minus sign 310"; column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution").

Regarding claim 17:

The rejection of claim 17 is similar to that for claim 12 as recited above since the stated limitations are set forth in the references. Claim 17's limitations are taught in *Hansen*: one or more of the actions comprise expanding a member to view the children of the member (column 7, lines 13-31, "The tester operator ... the minus sign 310") and the selection of an expanded member causing only the selection of the expanded member (column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution").

Regarding claim 18:

The rejection of claim 18 is similar to that for claim 12 as recited above since the stated limitations are set forth in the references. Claim 18's limitations are taught in *Weinberg et al*, one or more of the actions comprise collapsing a member to hide the children of the member (Figs. 3A, 5E) and *Hansen*, the selection of an expanded member causing only the selection of the expanded member (column 7, lines 13-38, "The tester operator ... be visually expanded"; column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution").

Regarding claim 19:

The rejection of claim 19 is similar to that for claim 12 as recited above since the stated limitations are set forth in the references. Claim 19's limitation is taught in *Hansen*: one or more of the actions comprise selecting or deselecting one or more members from the hierarchy (column 7, lines 13-31, "The tester operator ... the minus sign 310"; column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution").

Regarding claim 20:

The rejection of claim 20 is similar to that for claim 12 as recited above since the stated limitations are set forth in the references. Claim 20's limitation is taught in *Weinberg et al*: the one or more actions are recorded in the member selection script using one or more commands, the commands and one or more parameters associated with each command identifying the one or more actions (column 23, lines 4-24, "The testing tool ... a similar fashion").

Regarding claim 21:

The rejection of claim 21 is the same as that for claim 12 as recited above since the stated limitations are set forth in the references.

Regarding claim 22:

Hansen teaches software for selecting members in a hierarchy, the software embodied in a computer-readable medium and, when executed operable to: determine a sequence of one or more actions associated with a member selection tree, the actions collectively selecting one or more members from a hierarchy of members (Abstract, "A

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flexible test ... distributed tester architecture"; Figs. 3A-E; column 3, lines 33-38, "It would therefore ... the user interface"), the sequence of actions in a member selection script (column 11, lines 18-27, "The end leaf ... a similar manner"; column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution") and execute the member selection script to select one or more members after the hierarchy of members has been modified (column 14, lines 48-67, "After the trees ... newly created trees"; column 15, lines 1-6, "The production worker ... tree are executed").

However, *Hansen* doesn't explicitly teach the hierarchy of members being associated with a particular dimension of an organization of data or recording the sequence of actions in a member selection script while *Cessna et al* teaches determining (column 7, lines 3-17, "The invention effectively ... on member characteristics") a sequence (column 10, lines 34-42, "Characteristic orderings determine ... the characteristic information") of one or more actions (column 11, lines 16-30, "The implementation of ... in a hierarchy") associated with a member selection (column 4, lines 56-63, "Planning software 42 comprises ... set of members"), the actions collectively (column 9, lines 42-45, "Characteristic Data Set ... in a dimension") selecting one or more members from a hierarchy of members, the hierarchy of members being associated with a particular dimension of an organization of data (column 1, lines 33-42, "One of the ... within a hierarchy") and *Weinberg et al* teaches record the sequence of actions in a member selection script (Abstract, "A testing tool ... other data sets"; Figs. 6A-C).

Motivation - The portions of the claimed system would have been a highly desirable feature in this art for dynamically building hierarchical groupings of business information based on member characteristics (*Cessna et al*, Abstract, "A system and ... the hierarchical levels") and editing tests without knowing a scripting or other programming language (*Weinberg et al*, Abstract, "A testing tool ... other data sets"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Hansen* as taught by *Cessna et al* and *Weinberg et al* for the purpose of dynamically building hierarchical groupings of business information as well as editing tests without knowing a programming language.

Regarding claim 23:

The rejection of claim 23 is the same as that for claim 22 as recited above since the stated limitations are set forth in the references.

Regarding claim 24:

The rejection of claim 24 is the same as that for claim 22 as recited above since the stated limitations are set forth in the references.

Regarding claim 25:

The rejection of claim 25 is the same as that for claim 22 as recited above since the stated limitations are set forth in the references.

Regarding claim 26:

The rejection of claim 26 is similar to that for claim 22 as recited above since the stated limitations are set forth in the references. Claim 26's limitation is taught in *Hansen*:

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selecting or deselecting one or more levels of the hierarchy from which members are to be selected, the members being selectable only from selected levels (column 7, lines 13-31, "The tester operator ... the minus sign 310"; column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution").

Regarding claim 27:

The rejection of claim 27 is similar to that for claim 22 as recited above since the stated limitations are set forth in the references. Claim 27's limitations are taught in *Hansen*: one or more of the actions comprise expanding a member to view the children of the member (column 7, lines 13-31, "The tester operator ... the minus sign 310") and the selection of an expanded member causing only the selection of the expanded member (column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution").

Regarding claim 28:

The rejection of claim 28 is similar to that for claim 22 as recited above since the stated limitations are set forth in the references. Claim 28's limitations are taught in *Weinberg et al.*: one or more of the actions comprise collapsing a member to hide the children of the member (Figs. 3A, 5E) and *Hansen*: the selection of an expanded member causing only the selection of the expanded member (column 7, lines 13-38, "The tester operator ... be visually expanded"; column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution").

Regarding claim 29:

The rejection of claim 29 is similar to that for claim 22 as recited above since the stated limitations are set forth in the references. Claim 29's limitation is taught in *Hansen*: one or more of the actions comprise selecting or deselecting one or more members from the hierarchy (column 7, lines 13-31, "The tester operator ... the minus sign 310"; column 13, lines 60-67, "The test engineer ... the test engineer"; column 14, "lines 1-12, "can select LOOP ... to start execution").

Regarding claim 30:

The rejection of claim 30 is similar to that for claim 22 as recited above since the stated limitations are set forth in the references. Claim 30's limitation is taught in *Weinberg et al*: the one or more actions are recorded in the member selection script using one or more commands, the commands and one or more parameters associated with each command identifying the one or more actions (column 23, lines 4-24, "The testing tool ... a similar fashion").

Regarding claim 31:

The rejection of claim 31 is the same as that for claim 22 as recited above since the stated limitations are set forth in the references.

RESPONSE TO APPLICANTS' AMENDMENT REMARKS

Specification Objections

Applicant argues that the specification amendment removes the grounds for the earlier objection (Amendment REMARKS page 9, paragraph 2). Applicant's arguments

have been fully considered and are persuasive. The objection to the specification is withdrawn.

Claim Rejections - 35 USC § 103

Applicant argues that *Hansen* USPN 6,128,759, *Cessna et al* USPN 6,510,420 and *Weinberg et al* USPN 6,360,332 fail to disclose, teach or suggest each and every element of claims 1-31 (Amendment REMARKS page 9, paragraph 3). Applicant's arguments have been fully considered, but are not persuasive. The examiner agrees that *Hansen* in combination with *Cessna et al* and *Weinberg et al* meets each and every limitation of claims 1-31: the Abstract, Figs. 3A-E and column 3, lines 33-38 with respect to 'determining a sequence of one or more actions associated with a member selection tree, the actions collectively selecting one or more members from a hierarchy of members' in claim 1, for example. The applicant confirms the examiner's interpretation of the claims on page 10, paragraph 2 of the Amendment where *Hansen*'s Abstract is cited for selecting the end leaves that correspond with a testing program.

Applicant argues that *Hansen* does not disclose executing the member selection script to select one or more members after the hierarchy of members has been modified since *Hansen* does not even collectively select a member from a hierarchy of members in the first place (Amendment REMARKS page 10, paragraph 3). Applicant's arguments have been fully considered, but are not persuasive for the reasons given in the immediately preceding paragraph regarding *Hansen* collectively selecting a member

from a hierarchy of members and in light of *Hansen* column 14, lines 48-67 and column 15, lines 1-6.

Applicant argues that *Cessna et al* has nothing to do with the claim 1 limitations regarding determining a sequence of actions that collectively select one or more members from a hierarchy of members associated with a particular dimension of an organization of data (Amendment REMARKS page 10, last paragraph and page 11, paragraph 1). Applicant's arguments have been fully considered, but are not persuasive. The examiner agrees that *Hansen* is the relied upon reference (the Abstract, Figs. 3A-E, column 3, lines 33-38, column 11, lines 18-27, column 13, lines 60-67, column 14, lines 1-12, column 14, lines 48-67 and column 15, lines 1-6) for limitations not addressed by *Cessna et al* column 7, lines 3-17, column 10, lines 34-42, column 11, lines 16-30, column 4, lines 56-63, column 9, lines 42-45 and column 1, lines 33-42.

Applicant argues that *Weinberg et al* fails to disclose claim 1 limitations regarding recording the sequence of actions, associated with a member selection tree, in selecting at least one member from a hierarchy of members associated with a particular dimension of an organization of data into a member selection script (Amendment REMARKS page 11, paragraph 3). Applicant's arguments have been fully considered, but are not persuasive. The examiner agrees that *Hansen* is the relied upon reference (the Abstract, Figs. 3A-E, column 3, lines 33-38, column 11, lines 18-27, column 13, lines 60-67, column 14, lines 1-12, column 14, lines 48-67 and column 15, lines 1-6) for limitations not addressed by *Weinberg et al*'s Abstract and Figs. 6A-C.

Applicant argues that the Office Action has failed to provide proper motivation for combining the teachings of *Hansen*, *Cessna et al* and *Weinberg et al* (Amendment REMARKS page 11, last paragraph and page 12, paragraph 1). The examiner respectfully traverses this argument based on the motivations for modifying *Hansen* provided in the Office Action: dynamically building hierarchical groupings of business information based on member characteristics (*Cessna et al*, Abstract) and editing tests without knowing a scripting or other programming language (*Weinberg et al*, Abstract).

Applicant argues that independent claims 12 and 22 include limitations similar to those discussed above in connection with claim 1 and that claims 2-11, 13-21 and 23-31 depend from claims 1, 12 and 22 (Amendment REMARKS page 12, paragraphs 2-3). The examiner agrees that claims 12 and 22 are rejected for the same reasons claim 1 is rejected and that claims 2-11, 13-21 and 23-31 are rejected for being dependent on a rejected independent claim.

As set forth above with regards to *Hansen*, *Cessna* and *Weinberg*, the items listed explicitly and inherently teach each element of the applicants' claimed limitations. Applicants have not set forth any distinction or offered any dispute between the claims of the subject application, *Hansen's* Flexible test environment for automatic test equipment, *Cessna's* Framework for dynamic hierarchical grouping and calculation based on multidimensional member characteristics and *Weinberg's* Software system and methods for testing the functionality of a transactional server.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The following prior art made of record is considered pertinent to applicant's disclosure:

- *Gvily*; US 20020005867 A1; Snippet selection
- *Forest*; US 6903723 B1; Data entry method and apparatus
- *Hugh*; US 20020067381; Method and apparatus for organizing and processing information using a digital computer
- *Ishikawa*; US 6552721 B1; Graphic data generating apparatus, graphic data generation method, and medium of the same
- *Poh et al*; Dynamic construction and refinement of utility-based categorization models; IEEE Transactions on Systems, Man and Cybernetics; Vol. 24, Is. 11; Nov. 1994; pp 1653-1663

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- Jarke et al; DAIDA: an environment for evolving information systems; ACM

Transactions on Information Systems (TOIS); Vol. 10, Is. 1; January 1992; pp 1-50

Any inquiry concerning this communication or earlier communications from the Office should be directed to Meltin Bell whose telephone number is 571-272-3680. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:00 pm.

If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anthony Knight, can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MB / M.K.
July 12, 2005


Anthony Knight
Supervisory Patent Examiner
Group 3600